

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BAYVIEW PLAZA TENANTS
ASSOCIATION ET AL.,

Plaintiffs,

vs.

GENE BOUMA ET AL.,

Defendants.

No. 2:17-cv-01771 JLR

STIPULATION AND MOTION TO
STRIKE HEARING ON MOTION
FOR TEMPORARY RESTRAINING
ORDER

*And Proposed
Order*

Noted on Motion Calendar for:

Nov 30, 2017

I. MOTION

Plaintiffs move this Court for an Order approving the following Stipulation and striking the hearing on Plaintiffs' Motion for Temporary Restraining Order currently noted for November 27, 2017.

II. STIPULATION

The following Temporary Restraining Order is hereby stipulated by and between the parties, by and through undersigned counsel:

1. Plaintiffs and Defendants Gene Bouma, Washington Plaza Limited Partnership, Bayview Plaza Limited Partnership, and Diamond Management enter this Stipulated Temporary

1 Restraining Order ("Stipulation") to resolve the pending motion for a temporary
2 restraining order.

3 2. The parties to this Stipulation agree that, during the term of this Stipulation, Gene
4 Bouma, Washington Plaza Limited Partnership, Bayview Plaza Limited Partnership, and
5 Diamond Management may not give any effect to the new leases scheduled to take effect
6 for tenants at Washington Plaza and Bayview Plaza on December 1, 2017.

7 3. During the term of this Stipulation, the previous leases, including rent payments and all
8 terms and conditions, of the residents of Washington Plaza and Bayview Plaza shall
9 remain in full force and effect for the duration of this order. ~~When the term of the~~

10 ~~When the term of the lease expires, the lease shall be renewed on a month-to-month basis~~
11 ~~terms of the expired lease on a month-to-month basis~~ SWJ - E.O. JLR

12 4. Defendants Gene Bouma, Washington Plaza Limited Partnership, Bayview Plaza Limited
13 Partnership, and Diamond Management or their agents shall deliver written notice of this
14 Stipulation, agreed to in form and substance between the parties to this Stipulation, to
15 each unit at Washington Plaza and Bayview Plaza.

16 5. During the term of this Stipulation, Gene Bouma, Washington Plaza Limited Partnership,
17 Bayview Plaza Limited Partnership, and Diamond Management further agree not to take
18 any action against the residents of Washington Plaza or Bayview Plaza which could be
19 deemed to be in retaliation for this litigation, including any actions specifically listed
20 under RCW 59.18.240, including but not limited to (a) increasing rent; (b) eviction of the
21 residents; (c) reduction of services to the residents; (d) increasing the obligations of the
22 residents, pending further order of this Court.

6. During its term, this Stipulation shall be binding against Gene Bouma, Washington Plaza Limited Partnership, Bayview Plaza Limited Partnership, and Diamond Management and their agents, employees, successors, or assigns, as provided in Fed. R. Civ. P. 65(d) and shall remain in effect until Plaintiffs' Motion for Preliminary Injunction can be heard and an order issued or until further order of the Court.

7. The parties to this Stipulation hereby agree to strike Plaintiffs' Motion for Temporary Restraining Order currently noted for 11/27/2017, without prejudice to plaintiffs to again seek temporary relief and/or to amend their Complaint;

8. The Parties to this Stipulation agree ~~to the following binding schedule for Plaintiffs' Motion for Preliminary Injunction:~~ *to stipulate to a preliminary injunction hearing date & briefing schedule by 12/6/17*

~~a. Defendants' Response to Plaintiffs' Motion for Preliminary Injunction is due [date]~~

~~b. Plaintiffs' Reply to Defendants' Response is due [date]. The new noting date for the motion shall be set to this date.~~

~~c. The Parties agree to request that the Court set the matter for oral argument by January 16, 2018.~~

9. The Parties warrant that they respectively have authority to enter into this Stipulation and make it effective pursuant to its agreed terms.

Dated this 29 day of November, 2017.

NORTHWEST JUSTICE PROJECT

/s/ Kelly Owen

Kelly Owen, WSBA#16599

Josefina Ramirez WSBA# #31134

Charles Silverman WSBA# #8654

Scott Crain WSBA# 37224

MOTION AND STIPULATION- 3
NO. C17-01771 JLR

Northwest Justice Project
401 Second Avenue S, Suite 407
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Phone: (206) 464-1519 Fax: (206) 624-7501

1 Attorneys for Plaintiffs

ganders@nhlp.org

Jessica Cassella, California Bar #306875

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2 NATIONAL HOUSING LAW PROJECT

Pro Hac Vice Application Pending


703 Market Street, Suite 2000

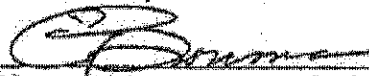
San Francisco, CA 94103

415-546-7000 ext. 3103


3 /s/Gideon Anders

4 Gideon Anders, California Bar #86872

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8
9 
Gene Bouma, Defendant

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11 
Diamond Management, Defendant

By: Gene Bouma

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13 
Washington Plaza Limited Partnership, Defendant

By: Gene Bouma

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15 
Bayview Plaza Limited Partnership, Defendant

By: Gene Bouma

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18 **III. ORDER**

19 This matter coming before the Court based upon the Stipulation And Motion To Strike
20 Motion For Temporary Restraining Order and the Court being fully advised, hereby grants the
21 Motion and approves and adopts the above Stipulation as follows:

22 *It is so Ordered:*

23 1. The Court approves the above-agreed Stipulation ~~and the Court hereby grants the~~
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MOTION AND STIPULATION- 4
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30 K.O.

2. Plaintiffs' Motion for Temporary Restraining Order noted for November 24, 2017 in this matter is stricken without prejudice to Plaintiffs to renew their Motion consistent with the Stipulation;

3. If the Court determines oral argument on Plaintiffs' Motion is necessary, the Court shall set a date for hearing separately from this Order.

Done this ³⁰ Day of November, 2017.


UNITED STATES DISTRICT JUDGE

Presented by:

NORTHWEST JUSTICE PROJECT

By: Kelly Owen
Kelly Owen, WSBA # 16599
Attorneys for Plaintiffs

Approved as to form
Carney Badley Spellman

By: Scott Weaver WSBA 29267
Attorneys for bene Bowma and the
defendants listed in paragraph 1 of
the Stipulation